Application No. 09/902,963
Response to Office Action of April 3, 2006

REMARKS

In the Office Action of April 3, 2006, claims 1-72 stand rejected. In this response claims 1, 6, 8, 10, and 39 have been amended. Claim 2 has been cancelled. Reconsideration and allowance of all pending claims are respectfully requested in view of the following remarks. No new subject matter is being added by this response.

I.   REJECTIONS UNDER § 102

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Brothers v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claims 1-4, 6-13, 15-18, 20-24, 26-29, 30, 33, 37, 39-42, 44-47, and 69 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 7,022,534 to Chaco ("*Chaco*").

Chaco discloses an infant monitoring system that includes a transmission module (TM). The TM receives RFID transmissions from badges that can be attached to an infant and various caregivers (nurse, mom, dad, domestic partner and guest thereof). The TM receives the RFID signal from the badges and then determines if the ID is associated with an authorized user to make sure a caregiver is in range. According to *Chaco*, the range information is calculated. (see column 7, lines 25-38).

Claim 1, as amended, recites, in part that "the database of stored radio frequency identifiers is accessed as a function of a radio frequency signal and a position signal indicative of a current location of the device." *Chaco* fails to disclose using a position signal to access the database. *Chaco* instead uses a received RFID signal to access the database and then uses the ID from the database listing and a calculated distance to determine if a caregiver is within a predetermined area. The position of the TM is never used to access the database. Also, in *Chaco*, the position of the TM, what the Examiner argues is equivalent to the device is never determined. Only the location of the babies is determined. As recited in claim 1, the position

14

Application No. 09/902,963
Response to Office Action of April 3, 2006

signal is indicative of a location of the device. *Chaco* fails to disclose such a position signal. For at least these reasons, claim 1 is in condition for allowance.

Claims 3-7 depend from allowable claim 1. For at least this reason, claims 3-7 are in condition for allowance.

Claim 10 has been amended to recite, in part, "a means for interrogating the storing means as a function of a predetermined radio frequency and a current position of the device to select one of the stored radio frequency identifiers." As discussed in conjunction with claim 1, *Chaco* fails to disclose using position information to select a stored radio frequency from a storing means and fails to disclose the use of the location of the device. For at least these reasons, claim 10 is in condition for allowance.

Claims 11-13 and 15-18 depend from allowable claim 10. For at least this reason, claims 11-13 and 15-18 are in condition for allowance.

Claims 20-24 depend from claim 19. Claims 26-30 depend from claim 25. Claim 37 depends from claim 31. These dependent claims will be discussed when the independent claims they depend from are discussed. Independent claims 19, 25 and 31 are discussed in Section II.

Independent claim 39, as amended, recites in part, "interrogating the stored radio frequency information as a function of a predetermined radio frequency and a positional signal to select one of the stored radio frequency identifiers." As discussed previously in conjunction with claims 1 and 10, *Chaco* fails to show the use of a positional signal to select a stored radio frequency identifier.

Claims 40-42 and 44-47 depend from allowable claim 39. For at least this reason, claims 40-42 and 44-47 are in condition for allowance.

Claim 69 depends from independent claim 66. Therefore, claim 69 will be discussed along with claim 66 in Section II.

II.   REJECTION UNDER 35 U.S.C. §103

To establish a prima facie case of obviousness under 35 U.S.C. § 103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify

Application No. 09/902,963
Response to Office Action of April 3, 2006

the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the cited prior art reference must teach or suggest all of the claim limitations. Furthermore, the suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based upon the Applicants' disclosure. A failure to meet any one of these criteria is a failure to establish a prima facie case of obviousness. MPEP §2143.

Further, the initial burden lies with the Examiner to provide some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or implicitly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisans would have found the claimed invention to have been obvious in light of the teachings of the references." Ex parte Clapp, 227 U.S.P.Q. 972, 973, (Bd. Pat. App. & Inter. 1985).

Claims 5, 14, 19, 25, 31-32, 34-35, 38, 43, 46-48, and 70-72 stand rejected under 35 U.S.C. §103(a) as unpatentable over *Chaco*, in view of U.S. Patent No. 5,220,601 to Belgin ("*Belgin*").

A.   There Is No Suggestion To Make The Proposed Combination.

A prima facie case of obviousness has not been made because there is no suggestion to make the proposed combination. *Chaco* discloses a baby monitoring system that checks to see if appropriate caregivers are within range of a child in a hospital. *Belgin*, in contrast, discloses a system that decodes Morse code into alpha-numeric representations of the Morse code so that a pilot can receive the Morse code signal without mentally decoding. This representation can be sent to a display or to a speech synthesizer. Nothing in *Chaco* suggests the addition of a Morse code decoding device to a child monitoring system. The only rationale the Examiner argues is that, with regards to claim 5, 14, 38 and 43, it would be obvious to add Morse code to transmit the frequency information faster. However, nothing in *Chaco* indicates a necessity of faster transmissions (and nothing on record indicates why the transmission of alpha-numeric characters as a Morse code is faster than the system in *Chaco*). Additionally, when considering the

16

Application No. 09/902,963
Response to Office Action of April 3, 2006

proposed combination, the prior art must be considered as a whole. As a whole, there is no teaching or suggestion in *Chaco* to add Morse code device such that Morse code can be displayed to or spoken to a user. Thus, since a prima facie case for the proposed combination has not been made this objection should be withdrawn.

B.   Claims 5, 14, 38, and 43.

Claim 5 depends from allowable claim 1, claim 14 depends from allowable claim 10, and claim 43 depends from allowable claim 39. For at least this reason, claims 5, 14 and 43 are in condition for allowance.

Claim 38 depends from claim 31. The allowability of claim 31 will be discussed later. At that point, the allowability of claim 38 will be discussed.

C.   Claims 19, 31, 32, 48, 49, 50, 59, and 66.

Considering claim 19, claim 19 recites, in part, "a display having a first input structured to receive a radio frequency control signal and a second input coupled to receive radio frequency information, the display structured to display one of the radio frequency information and caution information in response to a signal received on a third input." The Examiner argues that *Belgin* discloses a radio receiver having a first input coupled to receive a radio control system and a second input coupled to receive a radio signal. However, the Examiner never argues that the *Chaco/Belgin* combination discloses displaying "caution information in response to a signal received on a third input." For at least this reason, claim 19 is in condition for allowance.

Claims 20-24 depend from claim 19. Claims 20-24 were rejected under 35 U.S.C. §102(e) as was discussed in Section 1. Since claims 20-29 depend from allowable claim 19, claims 20-24 are in condition for allowance.

Claim 31, recites, in part, a method including the step of "correlating the decoded signal to a known radio navigation station." As discussed previously, *Chaco* shows tags on caregivers that send data which can be compared to a database of authorized users. *Chaco* does not disclose, teach or suggest a "known radio navigation station." The addition of *Belgin* does not

17

Application No. 09/902,963
Response to Office Action of April 3, 2006

solve the shortcomings of *Chaco*. *Belgin* discloses decoding and displaying (on a display or sound synthesizer). Nothing in *Belgin* discloses, teaches or suggests the correlation of the decoded signal. Thus, the *Chaco/Belgin* combination fails to teach all limitations of claim 31. Therefore, claim 31 is in condition for allowance.

Claim 32 depends from allowable claim 31. For at least this reason, claim 32 is in condition for allowance. Claims 37 and 38 depend from allowable claim 1. Claim 37 was rejected under 35 U.S.C. §102(e) as was discussed in Section I. Claim 38 was rejected under rejected under 35 U.S.C. §103(a). Since claims 37 and 38 depend from allowable claim 31, claims 37 and 38 are in condition for allowance.

Claim 48, recites, in part, a Morse radio frequency signal identifier decoder that includes "a confidence presence detector" that is structured "to predict which of the filter banks contains an identification string of a detected radio signal." Also, claim 48 includes "a veterbi most-likely sequence estimator on output of the presence detector. The *Chaco/Belgin* combination fails to disclose these limitations. Indeed, the Examiner provides no arguments as to where in *Chaco* or *Belgin* such limitations can be found. In rejecting this claim, the Examiner only argues that *Belgin* shows a first input and a second input for a display. Thus, for at least these reasons, claim 48 is in condition for allowance.

Claims 49-50 depend from allowable claim 48. For at least this reason, claims 49-50 are in condition for allowance.

Claim 59 recites, in part, "a means for converting a detected Morse radio frequency signal having a coded identifier into an in-phase signal and a quadrature-phase signal." Claim 59 also recites, "a means for operating a most likely sequence estimator." Nothing in *Chaco* or *Belgin* discloses these limitations. Indeed, the Examiner never argues that these limitations are disclosed by either *Chaco* or *Belgin*. The argument provided by the Examiner in rejecting this claim merely states that *Belgin* shows a display with a first input and a second input. That argument does not apply to the limitations in claim 59. For at least this reason, claim 59 is in condition for allowance.

Similarly, claim 66 is a method claim that recites, in part, "converting a detected Morse coded radio frequency signal having an identification string into an in-phase signal and a quadrature-phase signal" and "operating a most-likely sequence estimator." As discussed above,

18

Application No. 09/902,963
Response to Office Action of April 3, 2006

in conjunction with claim 59, these limitations are not disclosed by the proposed *Chaco/Belgin* combination. For at least this reason, claim 66 is in condition for allowance.

Claim 69 depends from allowable claim 66. Claim 69 was rejected under 35 U.S.C. §102(e). Since claim 69 depends from allowable claim 66, claim 69 is in condition for allowance.

D.   Claims 25, 52, and 62.

Claim 25, recites, in part, "locating in an onboard database database information corresponding to a facility closest to a present position of an aircraft using the indicated radio frequency." The Examiner indicates that while this limitation is not shown in *Chaco*, *Belgin* discloses this limitation at column 2, lines 5-39 and columns 3-4, lines 47-16. However, column 2, lines 5-39 merely discuss a filtering system and filtering method to filter noise from a Morse code signal. Columns 3-4, lines 47-16 discussed a microcontroller that controls the filtering and monitors the health of the power supply. Clearly, these sections of *Belgin* do not discuss the limitations of claim 25. For at least this reason, claim 25 is in condition for allowance.

Claims 26-30 depend from allowable claim 25. Claims 26-30 were rejected under 35 U.S.C. §102(e). Since claim 25 is in condition for allowance, claims 26-30 are in condition for allowance.

Claim 52 recites, in part, "the predicted Morse code radio frequency identifier is derived from a database of stored radio frequency identifiers." As discussed previously, this limitation is not found in the proposed *Chaco/Belgin* combination. Also, claim 52 depends from allowable claim 48. For at least these reasons, claim 52 is in condition for allowance.

Claim 62 recites, in part, "comprising a means for deriving the predicted Morse code radio frequency identifier from a database of stored radio frequency identifiers." As discussed previously, the proposed *Chaco/Belgin* combination fails to disclose this limitation. Also, claim 62 depends from allowable claim 59. For at least these reasons, claim 62 is in condition for allowance.

E.   Claims 34-35

19

Application No. 09/902,963
Response to Office Action of April 3, 2006

Claims 34-35 depend from allowable claim 31. For at least this reason, claims 34-35 are in condition for allowance.

F.   Claims 51, 56, 57, 58, 60, 61, 67, 68, and 69

Claims 51, 56, 57, and 58 depend from allowable claim 48. For at least this reason, claims 51, 56, 57, and 58 are in condition for allowance.

Claims 60 and 61 depend from allowable claim 59. For at least this reason, claims 60 and 61 are in condition for allowance.

Claims 67, 68, and 69 depend from allowable claim 66. For at least this reason, claims 67, 68 and 69 are in condition for allowance.

G.   Claims 53, 54, 55, 63, 64, 68, 70, 71, and 72.

Claims 53, 54, and 55 depend from allowable claim 48. For at least reason, claims 53, 54, and 55 are in condition for allowance.

Claims 63, 64 and 68 depend from allowable claim 59. For at least this reason, claims 63, 64 and 68 are in condition for allowance.

Claims 70, 71 and 72 depend from allowable claim 66. For at least this reason, claims 70, 71 and 72 are in condition for allowance.

Application No. 09/902,963
Response to Office Action of April 3, 2006

III.   CONCLUSION

For the foregoing reasons, the present application is believed to be in condition for allowance and favorable action is respectfully requested. The Examiner is invited to telephone the undersigned at the telephone number listed below if it would in any way advance prosecution of this case.

While no other fees are believed due, the applicant hereby requests that any other required fee to maintain pendency of this case, except for the Issue Fee, be charged to Deposit Account 50-2091.

Respectfully submitted,
INGRASSIA FISHER & LORENZ

Dated: June 30, 2006   By

Alexander B. Ching
Reg. No. 41,669
(480) 385-5060

Customer No. 00128

21